



Administration

CHAPTER 2

ADMINISTRATION

INTRODUCTION

This section describes the incorporation of the city and its designation as a first class city under WSS 15-1-301. The remaining sections outline when and how the Governing Body conducts business and fulfills its statutory duties according to WSS 15-1-103 and Title 16 particularly as it relates to Public Records, Documents and Meetings.

The City of Cody, Wyoming shall not be governed by the provisions of Sections 15-1-125, 15-3-204, 15-3-205, 15-5-208, 15-3-210, and 15-3-212 of Wyoming Statutes 1997.

In General

- 2-1. Incorporation.
- 2-2. City of the first class.

Governing Body

- 2-3. Meetings--Regular.
- 2-4. Same--Special.
- 2-5. Same—Emergency or Executive Sessions.
- 2-6. Same--Attendance by officers and employees.
- 2-7. Presiding officer.
- 2-8. President and acting president of the Governing Body.

Rules of Order

- 2-9. Call to order; quorum.
- 2-10. Order of business.
- 2-11. Preservation of order.
- 2-12. Recognition by presiding officer.
- 2-13. Motions generally.
- 2-14. Voting of the Governing Body.
- 2-15. Record of ayes and nays.
- 2-16. Ordinances, resolutions, etc.--Introduction; passage and suspension of rules.
- 2-17. Same--Approval and record.
- 2-18. Style of ordinance.
- 2-19. Journal of proceedings and minutes from meetings.
- 2-20. Allowance of bills or claims.
- 2-21. Amendment or repeal of rules.

Appointive Officers

- 2-22. Enumeration--Generally.
- 2-23. City administrator.
- 2-24. Duties of city administrator.
- 2-25. Oath and bond.
- 2-26. Salaries.
- 2-27. Duties of city attorney.

Bonds

- 2-28. Who may act as sureties.
- 2-29. Qualifications of individual sureties.
- 2-30. Approval required.
- 2-31. Required; conditioned upon.
- 2-32. Premium paid by city.
- 2-33. Form.

Civil Emergencies

- 2-34. Regulations authorized to be imposed by proclamation.
- 2-35. When proclamation to become effective.
- 2-36. Termination of emergency.

General Information

2-1. Incorporation.

The town of Cody was duly incorporated as a municipal corporation under the laws of the state in the year 1901.

2-2. City of the first class.

The town pursuant to a proclamation of the mayor, duly certified by the Honorable Lester C. Hunt, governor of the state, was declared to be a city of the first class on date of October 17, 1947. Such proclamation being duly filed for record in the office of the county clerk and ex officio registrar of deeds, Park County, Wyoming, on the 18th day of November, 1947, and recorded in Book 126 at page 495 of the records of such county.

Meetings of the Governing Body

2-3. Meetings--Regular.

(a) Regular meetings of the Governing Body shall be held on the first and third Tuesday of the month after the election of the Mayor and Governing Body, unless Tuesday is observed as a legal holiday by the Governing Body. In those circumstances, the meeting shall be held on the following day (Wednesday). Regular meetings shall be held at 7:00 p.m. in the Council Chambers at City Hall unless otherwise published. No conditions can be placed on the right of a member of the public to attend any meetings except that a person seeking recognition can be required to give his/her name and affiliation. An emergency meeting on matters of serious immediate concern can be held for the purpose of taking temporary action without notice. If action taken at an emergency meeting is to be made permanent, it must be reconsidered and acted upon at an open public meeting within 48 hours. The presiding officer may order the removal of a person or a group of persons if any meeting is willfully disrupted and the orderly conduct of the meeting is being rendered unfeasible and order cannot be restored.

(b) Attendance at official meetings shall be governed by Wyoming Statute 15-1-107, which states that a vacancy in the office of Mayor or Councilman exists if during the term for which elected any mayor or councilman fails to attend four (4) or more consecutive regularly scheduled meetings of the council without an excused absence as determined by a majority of the council. An absence shall be determined to be excused or unexcused by the Mayor with consent of the Council; in the case of a Board or Commission, the absence shall be determined to be excused or unexcused by the President or Chairperson of the board or commission to which the member is appointed.

(c) This section, in addition to elected Councilmembers, shall apply to all board and commission appointees with respect to attendance requirements.

2-4. Same--Special.

The presiding officer of the governing body, or a majority of the qualified members of the governing body, may call a special meeting by giving notice of the meeting to each member of that body and to each newspaper of general circulation and radio or television station requesting such notice. The notice must state the time, place, and business to be transacted at the meeting. No other business can be considered at a special meeting (W.S. 15-1-105 and W.S. 16-4-404(b)).

2-5. Same--Emergency or Executive Sessions.

Except as otherwise provided in the law, all meetings of the governing body and all other boards, commissions, and agencies of the municipality must be open to the

public at all times. The right to go into executive session is restricted by the open meeting laws (W.S. 16-4-403). Any action taken which is not in conformity with this law is null and void.

2-6. Same-Attendance by officers and employees.

The city clerk shall attend all meetings of the Governing Body and make an accurate record of all business transacted at each meeting. The administrator and attorney shall likewise attend all meetings of the Governing Body, unless excused by the mayor.

2-7. Presiding officer.

The mayor shall preside at all meetings of the Governing Body, except as otherwise provided for in Sec. 2-8 of the Code. The presiding officer shall see that the established order of business is followed and that the meeting is conducted in a dignified and decorous manner. In general the presiding officer shall follow parliamentary procedures as adopted by the current version of Robert's Rules of Order, in conducting meetings. The mayor shall have one vote on all matters coming before the Governing Body upon which a vote is taken, except a vote:

- (a) To override a veto;
- (b) To confirm an appointment.

2-8. President and acting president of the Governing Body.

The Governing Body of the city may elect one of their body as the "president of the Governing Body," who shall preside at all meetings of the Governing Body in the absence of the mayor. In the absence of the president of the Governing Body, the Governing Body may elect one of their own body to occupy the president's place temporarily, and who shall be styled "acting president of the Governing Body." The president and acting president, when occupying the place of the mayor, shall have the same privileges as other members of the Governing Body, and all acts of the president and acting president, while so acting, shall be binding upon the Governing Body and upon the city as if done by the mayor.

2-9. Call to order; quorum.

At the hour appointed for the meeting, the Governing Body shall be called to order by the presiding officer. Four members of the Governing Body shall constitute a quorum for the transaction of business at any meeting.

2-10. Order of business.

The order of business at each regular Governing Body meeting shall be listed on an official agenda under the direction of the Mayor including any supporting documents and shall not in any case be departed from, except by consent of a majority of the members present. The Mayor may use a consent agenda. If a consent agenda is utilized any member of the governing body or a person attending the meeting may remove an item from consent. If any item is removed from the consent agenda, it will be discussed and voted on separately.

2-11. Preservation of order.

The mayor or presiding officer shall preserve order, prevent personal reflections, confine members in debate to the question, and shall decide who shall be first heard when two members rise at the same time. Any member of the Governing Body when called to order by the presiding officer shall at once suspend remarks.

2-12. Recognition by presiding officer.

Each member of the Governing Body, before speaking on any question, shall address questions or comments to the presiding officer using the proper title, and shall not proceed with remarks until recognized and named by the presiding officer.

2-13. Motions generally.

No question on a motion shall be debated or put to a vote unless the same be seconded. When a motion is seconded it shall be stated by the presiding officer before debate or action thereon. Any motion shall be reduced to writing by the member making it, if the presiding officer or any member shall ask it.

2-14. Voting

Each member of the Governing Body who shall be present when a question is to be voted upon shall vote thereon, unless excused by the Governing Body. A Governing Body member may, before the vote is called for give reasons for not voting. Any member must assure their actions comply with conflict of interests laws and shall refrain from voting when a conflict is present (W.S. 6-5-101, 15-1-127).

2-15. Record of ayes and nays.

On the question of the passage of an ordinance or resolution the vote of the Governing Body shall be taken by ayes and nays and a record of the same shall be made

upon the journal, which shall show how each Governing Bodymember voted. Any Governing Body member can change their vote previous to the announcement of the vote of the Governing Body.

2-16. Ordinances, resolutions, etc .-Introduction; passage and suspension of rules.

All ordinances hereafter adopted and passed by the Governing Body shall be introduced in writing . Every ordinance shall be publicly read on three different days. Public reading may be made by title only. At least ten days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three-fourths

of the elected and qualified members of the governing body. No franchise may be granted by emergency ordinance.

Passage of an ordinance requires the affirmative vote of the majority of elected members of the governing body. The passage of an emergency ordinance requires the affirmative vote of three-fourths of the elected and qualified members of the governing body.

2-17. Same--Approval and record.

All ordinances, bylaws and resolutions shall, within a reasonable time after the passage thereof, be signed by the mayor and attested by the city clerk and recorded in a book kept for that purpose. In all cases where a motion is entered upon the journal of the Governing Body, the name of the member moving the same shall also be entered.

2-18. Style of ordinance.

The style of an ordinance shall be, "Be it ordained by the governing body of the City of Cody, Wyoming."

2-19. Journal of proceedings.

The city clerk shall keep a correct journal of the proceedings of the Governing Body. The journal may consist of three separate books; a minutes book, a resolutions book, and an ordinance book. The following materials should be included: minutes of each meeting, copies of agendas and supporting information, a record of each motion including names and disposition, a record of attendance, the names of all persons appearing before the governing body and the nature of their request, and meeting times and adjournment. The journal of the proceedings shall be open for inspection at all reasonable times.

The governing body is required to designate a "legal newspaper" and to publish once, the minutes of all regular meetings, special meetings, workshops where

Governing Body action is taken, and titles of all ordinances passed. Within 12 days after each meeting adjourns, the clerk must furnish a copy of the proceedings to the newspaper (W.S. 15-1-110 (a)).

2-20. Allowance of bills or claims.

No bills or claims against the city shall be allowed except as authorized by written requisition, except salaries of city officials and necessary payroll expenses, and until approved by a majority of the Governing Body.

2-21. Amendment or repeal of rules.

The foregoing rules may be amended or repealed at any regular meeting of the Governing Body, provided that any proposed amendment or repeal has been proposed in writing at a previous meeting, and provided further that a majority of the Governing Body shall agree to the amendment or repeal and the action is allowable by WSS.

Appointive Officers

Section 2-22. Appointed Officers.

The Mayor, by and with the consent of the Council, shall appoint a City Administrator, a City Attorney and a Municipal Judge and fix their salaries. The Mayor shall also, with the advice and consent of the Council, make all appointments to boards and commissions of the City.

Section 2-23. City Administrator.

The City Administrator shall not receive any compensation for the performance of his duties other than the compensation fixed by the Governing Body. The City Administrator is an atwill employee and serves at the pleasure of the Governing Body. Salary may be changed from year to year and the City Administrator may be discharged at any time by a majority vote of the governing body. The City Administrator shall give at least thirty (30) days notice in writing to the Council before resigning the position. The Mayor, with the consent of Council, shall immediately proceed to appoint another person as City Administrator. If there is any delay in securing a new or interim administrator, the Mayor shall act as Administrator for up to 180 days, at no additional compensation and shall be vested with authority and charged with the duties and responsibilities of the Administrator until a new Administrator is appointed.

Section 2-24. Duties of City Administrator.

Except for the positions required in Section 2 above to be filled by the

Governing Body, all employees shall be employed by the City Administrator, The Administrator shall direct and supervise their activity and shall make recommendations concerning salaries according to the employee's classification and any adopted wage and salary schedule. The Administrator shall designate all department head positions that the governing body approves and provides for. The Administrator shall have managerial control over all such departments and may hire and remove all necessary subordinates whosoever. The Administrator shall notify the Governing Body of dismissals, terminations and demotions the day the action occurs. The Administrator shall notify the Governing Body of newly hired employees, transfers, promotions and resignations in a timely fashion. Except as otherwise provided, the Administrator shall prescribe the powers and duties of all employees, including department heads and subordinates and may require any employee to perform duties in two or more departments. The Administrator shall file with the Clerk a list of the names of all employees together with a statement of the salary compensation each is to receive. The City Administrator shall recommend such rules and regulations necessary for the efficient and economical conduct of the business.

Additionally, the City Administrator shall see that all laws and ordinances are observed and enforced; attend all meeting of the Governing Body unless excused; recommend necessary and expedient measures; prepare and submit to the Governing Body reports required by it, and reports that the City Administrator considers advisable; keep the Governing Body fully advised as to the City's financial condition and future needs; prepare the budget annually; submit to the Governing Body and be responsible for its administration after its adoption; and perform all other duties legally imposed on said position.

2-25. Oath and bond.

Each person appointed to any office under this Code or other ordinances of the city shall, before entering upon the performance of the duties of such office, subscribe an oath or affirmation to honestly and faithfully perform and discharge the duties of such office to the best of his ability. In addition thereto, certain officers shall be required to furnish bonds in accordance with State Law.

2-26. Salaries.

(a) The annual salary for the mayor shall be eighteen thousand dollars commencing January 1st, 2001, and shall be paid in twenty-six bi-weekly installments.

(b) Each Governing Bodymember shall be paid compensation quarterly in the sum of fifty dollars for actual attendance at each regular or special meeting of the Governing Body, or any other meeting at which the Governing Bodymember is an official representative of the Governing Body.

2-27. Duties of city attorney.

The duties of the city attorney shall be as follows:

- (a) Commence, prosecute and defend all suits to which the city is a party, in all courts of the city and state.
- (b) Prosecute all suits for the violation of any provision of this Code or other city ordinance.
- (c) Give advice to the mayor and any member of the Governing Body on legal questions arising relating to the business of the city. Draw all contracts to which the city is a party.
- (d) Review and revise all ordinances prior to their final passage by the Governing Body.
- (e) Draft and prepare all ordinances when so requested by the mayor, any member of the Governing Body or the City Administrator.
- (f) Attend the meetings of the Governing Body.
- (g) Do all legal work relating to the city's business and perform such other duties as may be required by the mayor, the Governing Body, or City Administrator, or by law.

Bonds2-28. Who may act as sureties.

Whenever any bond, recognizance or other obligation is by law, ordinance, rules or regulations of the city required or permitted to be tendered or filed, with sureties, and whenever the performance of any act or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed either by a guaranty or surety company qualified to act as surety or guarantor under the laws of the state, or by two or more individuals, who shall be qualified as hereinafter provided.

2-29. Qualifications of individual sureties.

In case any bond, recognizance or other obligation of the character hereinbefore mentioned shall be executed on behalf of the party named therein as principal by two or more individuals as sureties, such sureties and each of them shall be resident property holders of the city, and shall justify upon oath to an amount of property equal to twice

the value of the amount of the bond, recognizance or other obligation executed by them, exclusive of the amount of their debts, exemptions and other liabilities.

2-30. Approval required.

All bonds as referred to in this division shall be of a form to be reviewed by the city attorney and the Governing Body.

2-31. Required; conditioned upon.

The clerk of the city or other employees directed by Governing Body, having custody of monies belonging to the city shall, before entering upon the performance of their respective duties, be required to furnish a bond in the amount hereinafter prescribed for such office, which bond shall be conditioned upon:

(a) the faithful performance by such employee, of all the duties of their office as prescribed by law;

(b) the safe keeping of all money which may come into their hands by virtue of their office.

2-32. Premium paid by city.

When the bond of any employee authorized by the city having custody of public money shall be furnished by a guaranty or surety company, the premium due such company for furnishing such bond shall be paid out of the public funds of the city.

2-33. Form.

All bonds required by this division shall be of a form to be reviewed by the city attorney and the Governing Body.

Civil Emergencies

2-34. Regulations authorized to be imposed by proclamation.

Whenever, in the judgment of the mayor or in the event of his inability to act, the president of the Governing Body, determines that an emergency exists as a result of mob action or other civil disobedience causing danger of injury to or damages to persons or property, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the city:

(a) To impose a curfew upon all or any portion of the city thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, that physicians, nurses and

ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and city authorized or requested law enforcement officers and personnel may be exempted from such curfew.

(b) To order the closing of any business establishments anywhere within the city for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

(c) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.

To call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.

2-35. When proclamation to become effective.

The proclamation of emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media.

2-36. Termination of emergency.

Any emergency proclaimed in accordance with the provisions of this article shall terminate after forty-eight hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the governing body.

This page left blank intentionally.